

CONGRESSIONAL RECORD
21 June 1948

HOUSE

MESSAGE FROM THE SENATE

The message from the Senate by Mr. [redacted] of the Senate, announced

that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 199. Concurrent resolution authorizing the printing of additional copies of the report (H. Rept. 1920) on the Communist Party of the United States as an advocate of overthrow of Government by force and violence; and

H. Con. Res. 213. Concurrent resolution authorizing the Committee on Expenditures in the Executive Departments, House of Representatives, to have printed for its use additional copies of the hearings held before a special subcommittee of said committee, current Congress, relative to investigation as to the manner in which the United States Board of Parole is operating and as to whether there is a necessity for a change in either the procedure or basic law.

The message also announced that the Senate had passed, with amendment in which the concurrence of the House is requested, a resolution of the House of the following title:

H. Con. Res. 197. Joint resolution to continue the Joint Committee on Housing until June 15, 1948.

The message also announced that the Senate had passed bills of the following

titles, in which the concurrence of the House is requested:

[S. 2688. An act to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes; and

S. 2694. An act to provide for the acquisition of additional land along the Mount Vernon Memorial Highway in exchange for certain dredging privileges, and for other purposes.

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confidential nature of the Agency's functions were deemed to be such as to require the discussions to be so held. The committee carefully considered all sections of the bill, and, after such consid-

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(check)

(b) "Director" means the Director of Central Intelligence;

(c) "Government agency" means any executive department, commission, council, independent establishment, corporation, wholly or partly owned by the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government; and

(d) "Continental United States" means the States and the District of Columbia.

SEAL OF OFFICE

Sec. 3. The Director of Central Intelligence shall cause a seal of office to be made for the Central Intelligence Agency, of such design as the President shall approve, and authentic notice shall be taken thereof.

PROCUREMENT AUTHORITY

Sec. 4. (a) In the performance of its functions, the Central Intelligence Agency is authorized to exercise the authorities contained in sections 2 (b) (1), (2), (3), (4), (5), (6), (10), (12), (15), (17), and sections 3, 4, 5, 6, and 7 of the Armed Services Procurement Act of 1947 (Public Law 413, Eightieth Congress, second session).

(b) The exercise of the authorities granted in subsection (a) of this section, the term "Agency head" shall mean the Director, the Deputy Director, or the Executive Director of the Agency.

(c) The determinations and decisions provided in subsection (a) of this section to be made by the Agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in subsection (d) of this section, the Agency head is authorized to delegate his powers provided in this section, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the Agency.

(d) The power of the Agency head to make the determinations or decisions specified in paragraphs (12) and (15) of section 2 (c) and section 5 (a) of the Armed Services Procurement Act of 1947 shall not be delegable. Each determination or decision required by paragraphs (12) and (15) of section 2 (c), by section 4 or by section 5 (a) of the Armed Services Procurement Act of 1947, shall be based upon written findings made by the official making such determinations, which findings shall be final and shall be available within the Agency for a period of at least 6 years following the date of the determination.

EDUCATION AND TRAINING

Sec. 5. (a) Any officer or employee of the Agency may be assigned or detailed for special instruction, research, or training, at or with domestic or foreign public or private institutions; trade, labor, agricultural, or scientific associations; courses or training programs under the National Military Establishment; or commercial firms.

(b) The Agency shall, under such regulations as the Director may prescribe, pay the tuition and other expenses of officers and employees of the Agency assigned or detailed in accordance with provisions of subsection (a) of this section, in addition to the pay and allowances to which such officers and employees may be otherwise entitled.

TRAVEL ALLOWANCES, AND RELATED EXPENSES

Sec. 6. (A) Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to permanent-duty stations outside the continental United States, its Territories and possessions, shall—

(1) (a) pay the travel expenses of officers and employees of the Agency, including expenses incurred while traveling pursuant to orders issued by the Director in accordance with the provisions of section 5 (A) (2) with regard to the granting of home leave;

(b) pay the travel expenses of the members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other act;

(c) pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to the place where he will reside;

(d) pay the cost of storing the furniture and household and personal effects of an officer or employee of the Agency who is absent under orders from his usual post of duty, or who is assigned to a post to which, because of emergency conditions, he cannot take or at which he is unable to use his furniture and household and personal effects;

(e) pay the cost of storing the furniture and household and personal effects of an officer or employee of the Agency on first arrival at a post for a period not in excess of 3 months after such first arrival at such post or until the establishment of residence quarters, whichever shall be shorter;

(f) pay the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Agency and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned.

(2) Order to the continental United States on leave provided for in 5 United States Code 30, 30a, 30b, or as such sections may hereafter be amended, every officer and employee of the Agency who is a citizen of the United States, upon completion of 2 years' continuous service abroad, or as soon as possible thereafter: *Provided*, That such officer or employee has accrued to his credit at the time of such order annual leave sufficient to carry him in a pay status while in the United States for at least a 30-day period.

(a) While in the continental United States on leave, the service of any officer or employee shall be available for work or duties in the Agency or elsewhere, but the time of such work or duties shall not be counted as leave.

(b) Where an officer or employee on leave returns to the continental United States, leave of absence granted shall be exclusive of the time actually and necessarily occupied in going to and from the continental United States, and such time as may be necessarily occupied in awaiting transportation.

(3) Notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned automobile in any case where the Agency head shall determine that water, rail, or air transportation of the automobile is necessary, or expedient for any part or of all the distance between points of origin and destination.

(4) (a) In the event of illness or injury requiring the hospitalization of an officer or employee of the Agency who is a citizen of the United States, not the result of vicious habits, intemperance, or misconduct on his part, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means he shall deem appropriate and without regard to the Standardized Government Travel Regulations and section 10 of the act of March 3, 1933 (47 Stat. 1516; 5 U. S. C. 73b), to the nearest locality where a suitable hospital or clinic exists and on his recovery pay for the travel expenses of his

return to his post of duty. If the officer or employee is too ill to travel unattended, the Director may also pay the travel expenses of an attendant;

(b) Establish a first-aid station and provide for the services of a nurse at a post at which, in his opinion, sufficient personnel is employed to warrant such a station;

(c) In the event of illness or injury requiring hospitalization of an officer or employee of the Agency who is a citizen of the United States, not the result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic.

(d) Provide for the periodic physical examination of officers and employees of the Agency and for the cost of administering inoculations or vaccinations to such officers or employees.

(B) In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U. S. C. 70), the Director is authorized to grant to any officer or employee of the Agency who is a citizen of the United States allowances in accordance with the provisions of sections 301 (1) and 303 (2) of the Foreign Service Act of 1946.

GENERAL AUTHORITY

Sec. 7. In the performance of its functions, the Central Intelligence Agency is authorized to—

(a) transfer to and receive from other Government agencies such sums as may have been approved by the Bureau of the Budget and appropriated for the performance of any of the functions or activities authorized under sections 102 and 303 of the National Security Act of 1947 (Public Law 253, 80th Cong.), and any other Government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this act without regard to limitations of appropriations from which transferred;

(b) exchange funds without regard to section 3451, Revised Statutes (31 U. S. C. 543);

(c) reimburse other Government agencies for services of personnel assigned to the Agency, and such other Government agencies are hereby authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(d) authorize couriers designated by the Director to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;

(e) make alterations, improvements, and repairs on premises rented by the Agency and pay rent therefor without regard to limitations on expenditures contained in the act of June 30, 1932, as amended: *Provided*, That in each case the Director shall certify that exception from such limitations is necessary to the successful performance of the Agency's functions or to the security of its activities;

(f) in the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102 (d) (3) of the National Security Act of 1947 (Public Law 253, 80th Cong., 1st sess.) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of sections 1 and 2, chapter 795, of the act of August 28, 1935 (49 Stat. 956, 957; 5 U. S. C. A. 674), and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency: *Provided*, That in furtherance of

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...the confidential nature of the agency's functions...
...the committee carefully considered all sections of the bill, and, after such consideration, is satisfied that all provisions of the proposal are justified and necessary to the efficient operation of the intelligence service of the United States.

The bill has the unanimous approval of the committee, and I ask for its immediate adoption.

The PRESIDING OFFICER: Is there objection?

Mr. McMAHON. Mr. President, it is with great reluctance that I rise to object. I should like to call the attention of the chairman of the committee to section (b) of the bill, on page 12, which reads as follows:

(b) The sums made available to the agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

Mr. President, it is with reluctance that I would move to strike this section from the bill. Representations have been made by Senators for whom I have a very high regard that this is a most necessary provision for the successful operation of the agency. I must say that I am slightly Scotch about it, and I have my doubts. I would suggest that the chairman accept the amendment to strike out this section, and at least that we try for a period of 6 months or so, until Congress returns, to see whether or not this agency cannot get along with that section out of the act.

Mr. GURNEY. Mr. President, in view of my promise to the Senator from Missouri that I would not delay debate, I am compelled to accept the amendment, in the hope that we can get the bill over to the House and secure its passage in the House tonight, where a similar bill is on the calendar. I, therefore, accept the amendment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 12, after line 7, it is proposed to strike out subdivision (b) as follows:

(b) The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc.,

DEFINITIONS

SECTION 1. That when used in this act, the term—

(a) "Agency" means the Central Intelligence Agency.

CENTRAL INTELLIGENCE AGENCY

Mr. WHERRY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1340, Senate bill 2688.

The PRESIDING OFFICER. The clerk will state the bill by its title.

The LEGISLATIVE CLERK. A bill (S. 2688) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. GURNEY. Mr. President, I have only a few remarks to make.

The purpose of the bill is to grant to the Central Intelligence Agency the authorities necessary for its proper administration. The bill deals with procurement, travel, allowances, and related expenses, general authorities, and methods of expenditures of appropriated funds. Further, it protects the confidential nature of the Agency's functions and makes provisions for the internal administration of the Agency. In almost all instances, the powers and authorities contained in the bill already exist for some other branch of the Government, and the bill merely extends similar authorities to the Central Intelligence Agency.

COMMITTEE CONSIDERATION

Hearings on the matter were conducted in executive session because the

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CENTRAL INTELLIGENCE AGENCY
The bill to provide for the administration of the Central Intelligence Agency, established pursuant to the National Security Act of 1947, and for other purposes, was announced as next in order.

Mr. BREWSTER. Over.

Mr. SALTONSTALL. Mr. President, I hope the Senator who objected to the bill will withhold his objection if he feels he can do so. Last year under the Unification Act the Central Intelligence Agency was established. It is now functioning as a part of the general unification scheme. In order to conduct its business properly with the other agencies of the Government it should have a seal of its own and the necessary authority to act in the ordinary way other bureaus of the Government act. The bill is essentially for that purpose. It gives the Agency several advantages over other departments, because of the confidential nature of its undertaking and of the necessity of many of its employees being located in foreign country under circumstances not open to disclosure.

The Committee on Armed Services considered the bill very carefully, and spent several days on it. I believe if we want the Unification Act to function, if we want the Central Intelligence to have full opportunity to take its proper place in the activities of the Government at this stage, particularly in our relations with other countries, and in obtaining knowledge from other countries, the bill should become a law at this time.

Mr. BREWSTER. Mr. President, I was the one who raised the objection, and I want to assure the Senator from Massachusetts and the other members of the committee that the objection I have is not captious. I have assured Senators that as soon as the information I have requested is available, I trust the whole matter can be worked out. The people who have indicated an interest in this bill—and they were of rather responsible character—were not in town and were not back until this morning. I did not realize the calendar was going to be called. I hoped to be able to adjust the matter and that my objection will be of only a temporary character.

The PRESIDENT pro tempore. The bill will be passed over.

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14 May 1948

BILL PASSED OVER

The bill (S. 2688) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, was announced as next in order.

Mr. SALTONSTALL. Mr. President, while I am in favor of the bill and believe it should be enacted, while temporarily occupying the chair of the majority leader, I ask that it go over. The PRESIDENT pro tempore. The bill will be passed over.

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The bill (S. 2688) to provide for the administration of the Central Intelligence Agency, established pursuant to section 102, National Security Act of 1947, and for other purposes, was announced as next in order.

Mr. WHERRY. Over. The ACTING PRESIDENT pro tempore. The bill will be passed over.